

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

ROBERT E. TALIAFERRO, JR.,

Plaintiff,

v.

RANDALL HEPP, OFFICER HALE
and CAPTAIN FOSTER,

Defendants.

ORDER

12-cv-921-bbc

In an order entered on May 9, 2013, I denied plaintiff Robert E. Taliaferro, Jr. leave to proceed on his claim that defendants violated his rights under the First Amendment and dismissed plaintiff's complaint with prejudice for his failure to state a claim upon which relief could be granted. The Court of Appeals for the Seventh Circuit held that "a strike is incurred under § 1915(g) when an inmate's case is dismissed in its entirety based on the grounds listed in § 1915(g)," such as failure to state a claim upon which relief can be granted. Turley v. Gaetz, 625 F.3d 1005, 1012 (7th Cir. 2010). This point was not stated explicitly in the May 9 order, but I will make it clear. Plaintiff has earned a strike for bringing this action.

Accordingly, IT IS ORDERED that plaintiff Robert E Taliaferro is assessed a strike in accordance with 28 U.S.C. § 1915(g).

Entered this 15th day of May, 2013.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge